

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DAWN M. RODEN,

Plaintiffs,

Case No. 3:19-CV-239

vs.

District Judge Michael J. Newman

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

**ORDER (1) GRANTING THE MOTION FOR ALLOWANCE OF ATTORNEY FEES
FILED BY PLAINTIFF'S ATTORNEY (DOC. NO. 20); (2) REQUIRING THE
COMMISSIONER TO REMIT ATTORNEY FEES TO PLAINTIFF'S COUNSEL,
PURSUANT TO 42 U.S.C. § 406(B)(1), IN THE AMOUNT OF \$13,000.00; (3)
REQUIRING PLAINTIFF'S COUNSEL TO REMIT TO PLAINTIFF \$3,400.00 IN
ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT; AND, THE
CASE REMAINS TERMINATED ON THE DOCKET OF THIS COURT**

This case is before the Court upon the Motion For Allowance Of Attorney Fees filed by Plaintiff's attorney (Doc. No. 20) and the Commissioner's Response (Doc. No. 21).

The Motion seeks an award of attorney fees under 42 U.S.C. § 406(b)(1) in the total amount of \$13,000.00. The Commissioner does not object to this amount but correctly notes that Plaintiff's counsel must remit to Plaintiff \$3,400.00, which equals the amount he received in attorney fees under the Equal Access to Justice Act. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002). In the absence of objection by the Commissioner, the Motion and supporting Exhibits establish that an award of attorney fees is reasonable and warranted under 42 U.S.C. § 406(b)(1) in the amount Plaintiff's counsel seeks.

Accordingly, the Court hereby **ORDERS** that:

1. The Motion For Allowance Of Attorney Fees filed by Plaintiff's attorney (Doc. No. 20) is GRANTED;
2. The Commissioner shall remit attorney fees to Plaintiff's counsel, pursuant to 42 U.S.C. § 406(b)(1), in the amount of \$13,000.00;
3. Plaintiff's counsel shall remit to Plaintiff \$3,400.00; and
4. The case remains terminated on the docket of this Court.

IT IS SO ORDERED.

March 18, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge